

ASSEMBLY BILL

No. 514

Introduced by Assembly Member De Leon

February 24, 2009

An act to amend Section 212 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 514, as introduced, De Leon. Employment: wages.

Existing law prohibits the use of specified instruments for the payment of wages.

This bill would make nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 212 of the Labor Code is amended to
2 read:
3 212. (a) No person, or agent or officer thereof, shall issue in
4 payment of wages due, or to become due, or as an advance on
5 wages to be earned *any of the following*:
6 (1) ~~Any~~ An order, check, draft, note, memorandum, or other
7 acknowledgment of indebtedness, unless it is negotiable and
8 payable in cash, on demand, without discount, at some established
9 place of business in the state, the name and address of which must
10 appear on the instrument, and at the time of its issuance and for a
11 reasonable time thereafter, which must be at least 30 days, the

1 maker or drawer has sufficient funds in, or credit, arrangement, or
2 understanding with, the drawee for its payment.

3 (2) Any scrip, coupon, cards, or other thing redeemable, in
4 merchandise or purporting to be payable or redeemable otherwise
5 than in money.

6 (b) ~~Where~~*If* an instrument mentioned in subdivision (a) is
7 protested or dishonored, the notice or memorandum of protest or
8 dishonor is admissible as proof of presentation, nonpayment, and
9 protest and is presumptive evidence of knowledge of insufficiency
10 of funds or credit with the drawee.

11 (c) Notwithstanding paragraph (1) of subdivision (a), if the
12 drawee is a bank, the bank's address need not appear on the
13 instrument and, in that case, the instrument shall be negotiable and
14 payable in cash, on demand, without discount, at any place of
15 business of the drawee chosen by the person entitled to enforce
16 the instrument.